

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WOODROW FLEMMING,

Plaintiff,

9:06-CV-0086
(GLS)(GJD)

v.

DR. LESTER WRIGHT, M.D., *et al.*,

Defendants.

APPEARANCES:

WOODROW FLEMMING
03-A-5259
Plaintiff, *pro se*

GARY L. SHARPE, U.S. DISTRICT JUDGE

DECISION and ORDER

I. Background.

The Clerk has sent to the Court an amended Complaint filed by Woodrow Flemming ("Plaintiff" or "Flemming") in accordance with this Court's Order dated February 22, 2006 ("February Order"). Docket No. 4.

The February Order advised Plaintiff that:

Plaintiff's complaint names twenty defendants. However, it unclear whether the complaint sets forth sufficient allegations of wrong doing by each of the defendants because the complaint is only partially legible. In this regard, plaintiff is advised that Local Rule 10.1 requires the text of all documents to be legibly written (typewritten, printed or reproduced) and double spaced.

The Court has, to the best of its ability, attempted to decipher the complaint presently before it. As best as it can be determined, it does not appear that plaintiff has set forth allegations of wrongful conduct by each defendant. Rather, plaintiff refers generically to "the defendant" or "the defendants" when setting forth his narrative of events. Accordingly, it is impossible for this Court to determine what, if anything, each person named in the complaint allegedly did, or

failed to do, and how such action or inaction violated plaintiff's rights.

Therefore, plaintiff will be required to file an amended complaint that is fully legible. The amended complaint must set forth all alleged wrongful acts of the defendants that give rise to plaintiff's claims. When re-drafting his complaint, plaintiff should focus on clearly and concisely setting forth the **facts**, including the wrongful acts that give rise to the claims, the dates, times and places of the alleged acts, and the individual(s) who committed each alleged wrongful act... Finally, plaintiff is cautioned that conclusory statements of wrong doing (e.g., defendant violated my Eighth Amendment rights) are not sufficient. Rather, plaintiff must state what actions were taken, by whom they were taken, where such events occurred, and how such actions violated plaintiff's rights.

Docket No. 4.

A review of the amended Complaint finds that Flemming's statement of claims, to the extent it is legible,¹ is an incomprehensible grouping of conclusory allegations regarding alleged violations of his Eighth Amendment rights, alleged conspiracies, movement of Plaintiff from one facility to another, and alleged failure to train and supervise staff. While Plaintiff sets forth a listing of individuals who he seeks to name as Defendants herein, the statement of Plaintiff's claims fails to sufficiently allege any wrongful conduct by each of the named Defendants. Rather, Plaintiff simply repeats the conclusory allegations that the February Order directed were insufficient. From the portions of the amended Complaint that this Court has been able to decipher, it does not appear that sufficient facts have been alleged to state claims against the defendants named therein. As such, the Court must dismiss Plaintiff's amended Complaint without prejudice.

¹The Court notes that Plaintiff has filed six other actions in this District, and has previously been admonished regarding the Local Rule requirement that all papers filed with the Court be legible. Cf. 9:05-CV-0179. Plaintiff has not complied with those prior admonitions in the preparation of his amended Complaint.

WHEREFORE, it is hereby

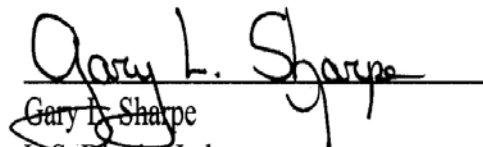
ORDERED, that this action is dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B) and Rule 5.4(a) of the Local Rules of Practice of this District, and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

It is hereby certified that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

Dated: April 28, 2006
Albany, New York



Gary L. Sharpe
U.S. District Judge